

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

David Myron Sheiman, M.D.

**Physician's and Surgeon's
Certificate No. A 25793**

Respondent.

Case No. 800-2020-069510

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 3, 2023.

IT IS SO ORDERED March 27, 2023.

MEDICAL BOARD OF CALIFORNIA

JENNA JONES FOR

**Reji Varghese
Interim Executive Director**

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
4 State Bar No. 285973
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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Attorneys for Complainant
7

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **DAVID MYRON SHEIMAN, M.D.**
14 **1690 No. McClelland Street**
15 **Santa Maria, CA 93454**

16 **Physician's and Surgeon's Certificate No. A**
17 **25793,**

18 Respondent.

Case No. 800-2020-069510

OAH No. 2022120081

STIPULATED SURRENDER OF
LICENSE AND ORDER

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board
23 of California (Board). He brought this action solely in his official capacity and is represented in
24 this matter by Rob Bonta, Attorney General of the State of California, by Latrice R. Hemphill,
25 Deputy Attorney General.

26 2. David Myron Sheiman, M.D. (Respondent) is represented in this proceeding by
27 attorneys Steven Simas and Rosy Shrestha, whose address is: 354 Pacific Street, San Luis
28 Obispo, CA 93401.

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1 3. On or about March 7, 1974, the Board issued Physician's and Surgeon's Certificate
2 No. A 25793 to David Myron Sheiman, M.D. The Physician's and Surgeon's Certificate was in
3 full force and effect at all times relevant to the charges brought in Accusation No. 800-2020-
4 069510 and expired on December 31, 2021.

5 **JURISDICTION**

6 4. Accusation No. 800-2020-069510 was filed before the Board, and is currently
7 pending against Respondent. The Accusation and all other statutorily required documents were
8 properly served on Respondent on October 14, 2022. Respondent timely filed his Notice of
9 Defense contesting the Accusation. A copy of Accusation No. 800-2020-069510 is attached as
10 Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 800-2020-069510. Respondent also has carefully read,
14 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License
15 and Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
18 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of
20 documents; the right to reconsideration and court review of an adverse decision; and all other
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 800-2020-069510, agrees that cause exists for discipline and hereby surrenders his
27 Physician's and Surgeon's Certificate No. A 25793 for the Board's formal acceptance.

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1 9. Respondent understands that by signing this stipulation he enables the Board to issue
2 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
3 process.

4 **CONTINGENCY**

5 10. This stipulation shall be subject to approval by the Board. Respondent understands
6 and agrees that counsel for Complainant and the staff of the Board may communicate directly
7 with the Board regarding this stipulation and surrender, without notice to or participation by
8 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
9 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
10 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
11 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
12 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
13 be disqualified from further action by having considered this matter.

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
16 thereto, shall have the same force and effect as the originals.

17 12. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 25793, issued
21 to Respondent DAVID MYRON SHEIMAN, M.D., is surrendered and accepted by the Board.

22 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
23 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
24 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
25 of Respondent's license history with the Board.

26 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
27 California as of the effective date of the Board's Decision and Order.

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3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2020-069510 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$26,724.25 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2020-069510 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorneys Steven Simas and Rosy Shrestha. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

2-9-23

DAVID MYRON SHEIMAN, M.D.

Respondent

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1 I have read and fully discussed with Respondent David Myron Sheiman, M.D. the terms
2 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: March 21, 2023


STEVEN SIMAS
ROSY SHRESTHA
Attorneys for Respondent

7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Medical Board of California of the Department of Consumer Affairs.

10
11 DATED: _____

Respectfully submitted,

12 ROB BONTA
13 Attorney General of California
14 JUDITH T. ALVARADO
Supervising Deputy Attorney General

15
16 LATRICE R. HEMPHILL
17 Deputy Attorney General
Attorneys for Complainant

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1 I have read and fully discussed with Respondent David Myron Sheiman, M.D. the terms
2 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4 DATED: _____

5 STEVEN SIMAS
6 ROSY SHRESTHA
7 *Attorneys for Respondent*

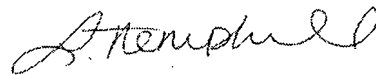
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16 Supervising Deputy Attorney General

17 
18 LATRICE R. HEMPHILL
19 Deputy Attorney General
20 *Attorneys for Complainant*

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Exhibit A

Accusation No. 800-2020-069510

1 ROB BONTA
Attorney General of California
2 JUDITH T. ALVARADO
Supervising Deputy Attorney General
3 LATRICE R. HEMPHILL
Deputy Attorney General
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2020-069510

13 **DAVID MYRON SHEIMAN, M.D.**
14 **1690 No. McClelland Street**
Santa Maria, CA 93454

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 25793,**

17 Respondent.

18
19 **PARTIES**

20 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
22 (Board).

23 2. On or about March 7, 1974, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 25793 to David Myron Sheiman, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and expired on December 31, 2021.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118 of the Code states:

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

5. Section 2004 of the Code states:

The board shall have the responsibility for the following:

(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

(b) The administration and hearing of disciplinary actions.

(c) Carrying out disciplinary actions appropriate to findings made by a panel or an administrative law judge.

(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.

(e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

(f) Approving undergraduate and graduate medical education programs.

(g) Approving clinical clerkship and special programs and hospitals for the programs in subdivision (f).

(h) Issuing licenses and certificates under the board's jurisdiction.

1 (i) Administering the board's continuing medical education program.

2 6. Section 2220 of the Code provides in pertinent part:

3 Except as otherwise provided by law, the board may take action against all
4 persons guilty of violating this chapter. The board shall enforce and administer this
5 article as to physician and surgeon certificate holders, including those who hold
6 certificates that do not permit them to practice medicine, such as, but not limited to,
7 retired, inactive, or disable status certificate holders, and the board shall have all the
8 powers granted in this chapter for these purposes ...

7 STATUTES

8 7. Section 820 of the Code states:

9 Whenever it appears that any person holding a license, certificate or permit
10 under this division or under any initiative act referred to in this division may be
11 unable to practice his or her profession safely because the licentiate's ability to
12 practice is impaired due to mental illness, or physical illness affecting competency,
13 the licensing agency may order the licentiate to be examined by one or more
14 physicians and surgeons or psychologists designated by the agency. The report of the
15 examiners shall be made available to the licentiate and may be received as direct
16 evidence in proceedings conducted pursuant to Section 822.

17 8. Section 821 of the Code provides that the licentiate's failure to comply with an order
18 issued under section 820 shall constitute grounds for the suspension or revocation of the
19 licentiate's certificate or license.

20 COST RECOVERY

21 9. Section 125.3 of the Code states:

22 (a) Except as otherwise provided by law, in any order issued in resolution of a
23 disciplinary proceeding before any board within the department or before the
24 Osteopathic Medical Board, upon request of the entity bringing the proceeding, the
25 administrative law judge may direct a licensee found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the
27 investigation and enforcement of the case.

28 (b) In the case of a disciplined licensee that is a corporation or a partnership, the
order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where
actual costs are not available, signed by the entity bringing the proceeding or its
designated representative shall be prima facie evidence of reasonable costs of
investigation and prosecution of the case. The costs shall include the amount of
investigative and enforcement costs up to the date of the hearing, including, but not
limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount
of reasonable costs of investigation and prosecution of the case when requested

1 pursuant to subdivision (a). The finding of the administrative law judge with regard
2 to costs shall not be reviewable by the board to increase the cost award. The board
3 may reduce or eliminate the cost award, or remand to the administrative law judge if
4 the proposed decision fails to make a finding on costs requested pursuant to
5 subdivision (a).

6 (e) If an order for recovery of costs is made and timely payment is not made as
7 directed in the board's decision, the board may enforce the order for repayment in any
8 appropriate court. This right of enforcement shall be in addition to any other rights
9 the board may have as to any licensee to pay costs.

10 (f) In any action for recovery of costs, proof of the board's decision shall be
11 conclusive proof of the validity of the order of payment and the terms for payment.

12 (g) (1) Except as provided in paragraph (2), the board shall not renew or
13 reinstate the license of any licensee who has failed to pay all of the costs ordered
14 under this section.

15 (2) Notwithstanding paragraph (1), the board may, in its discretion,
16 conditionally renew or reinstate for a maximum of one year the license of any
17 licensee who demonstrates financial hardship and who enters into a formal agreement
18 with the board to reimburse the board within that one-year period for the unpaid
19 costs.

20 (h) All costs recovered under this section shall be considered a reimbursement
21 for costs incurred and shall be deposited in the fund of the board recovering the costs
22 to be available upon appropriation by the Legislature.

23 (i) Nothing in this section shall preclude a board from including the recovery of
24 the costs of investigation and enforcement of a case in any stipulated settlement.

25 (j) This section does not apply to any board if a specific statutory provision in
26 that board's licensing act provides for recovery of costs in an administrative
27 disciplinary proceeding.

28 **FACTUAL ALLEGATIONS**

10. On or about July 25, 2022, the Board issued an Order pursuant to Business and
Professions Code section 820 in Case No. 800-2020-069510, which required Respondent to
undergo mental and physical examinations to determine whether his ability to practice medicine
safely is impaired due to a mental and/or physical illness. The Board's Order instructed that the
mental and physical examinations shall be conducted by August 24, 2022.

11. On or about August 4, 2022, Investigator E.L. contacted medical expert Alex Sahba,
M.D. to perform a mental examination of Respondent. On August 4, 2022, Dr. Sahba agreed to
administer the mental examination virtually.

12. On or about August 4, 2022, Investigator E.L. sent Respondent a letter, by certified
and first-class mail. The letter indicated that Respondent was scheduled to undergo a virtual

1 mental examination on August 16, 2022, with Dr. Sahba. The letter also included a copy of the
2 Board's Order compelling Respondent to undergo the examinations.

3 13. On or about August 9, 2022, Investigator E.L. contacted Thomas Toan Nguyen, M.D.
4 to perform a physical examination of Respondent. Dr. Nguyen agreed to perform the physical
5 examination.

6 14. On or about August 10, 2022, Respondent was sent another letter, by certified and
7 first-class mail, indicating that he was scheduled to undergo a physical examination with Dr.
8 Nguyen on August 25, 2022.

9 15. On or about August 12, 2022, Investigator E.L. received a phone call from
10 Respondent's wife, Manon Sheiman (Manon). Manon indicated that Respondent was away and
11 would be unable to undergo the mental examination. Manon also asked if the examination could
12 be rescheduled. Investigator E.L. informed Manon that the mental examination could not be
13 rescheduled, and noted that the examination was virtual so his location would not be an issue.

14 16. Manon acknowledged that she received the numerous phone calls and voicemail
15 messages left by Investigator E.L. She also stated that she was not notified about Respondent's
16 scheduled physical examination. Consequently, Investigator E.L. emailed Manon a copy of the
17 letter confirming the physical examination.

18 17. On or about August 15, 2022, Manon sent an email to Investigator E.L. stating that
19 Respondent would not attend the mental examination scheduled for August 16, 2022.

20 18. Investigator E.L. called and left a voicemail message for Respondent and Manon on
21 or about August 16, 2022 and August 22, 2022. Investigator E.L. also emailed Manon on or
22 about August 22, 2022, but received no response.

23 19. On or about August 22, 2022, Investigator E.L. received the mental examination
24 report from Dr. Sahba, which indicated that Respondent failed to show up for the scheduled
25 mental examination.

26 20. On or about August 24, 2022, Investigator E.L. spoke with Manon. Manon stated
27 that Respondent was away and his health is declining because of his health issues. She indicated
28

1 that Respondent was not abusing drugs, and reiterated that Respondent would not attend the
2 physical examination. Investigator E.L. was never able to speak with Respondent.

3 21. On or about August 26, 2022, Investigator E.L. received an email from Dr. Nguyen
4 advising that Respondent did not show to his scheduled examination. On or about August 30,
5 2022, Dr. Nguyen submitted a report indicating the aforementioned.

6 **CAUSE FOR DISCIPLINE**

7 **(Failure to Obey Board Order Compelling Mental and Physical Examinations)**

8 22. By reasons of the facts set forth in paragraphs 10 through 21, above, Respondent is
9 subject to disciplinary action under Code section 821 in that Respondent failed to comply with an
10 order issued under Code section 820, by failing to undergo mental and physical examinations.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Medical Board of California issue a decision:

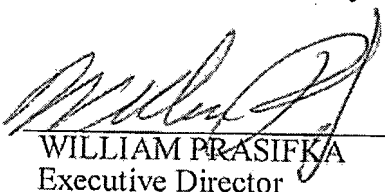
14 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 25793,
15 issued to David Myron Sheiman, M.D.;

16 2. Revoking, suspending or denying approval of David Myron Sheiman, M.D.'s
17 authority to supervise physician assistants and advanced practice nurses;

18 3. Ordering David Myron Sheiman, M.D., to pay the Board the costs of the investigation
19 and enforcement of this case, and if placed on probation, the costs of probation monitoring; and

20 5. Taking such other and further action as deemed necessary and proper.

21
22 DATED: OCT 14 2022

23 
24 WILLIAM PRASIFKA
25 Executive Director
26 Medical Board of California
27 Department of Consumer Affairs
28 State of California
Complainant

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